

18710. Misbranding of Za-Rex fruit sirups. U. S. v. 1,428 Cases of Za-Rex Fruit Sirups. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26408. I. S. Nos. 20137, 20138, 20139, 20140, 20146. S. No. 4691.)

Samples of Za-Rex fruit sirups from the shipments herein described having been found to be short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,428 cases of Za-Rex fruit sirups, of assorted flavors, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Za-Rex Co. (Inc.), on or about November 20, 1930 (portions of the articles were shipped on or about April 20, August 4, and August 19, 1930), and had been transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Bottle) "Za-Rex Contents One Pint Chocolate [or "Raspberry," "Pineapple," "Strawberry," "Lemon and Lime," "Punch," "Lemon," or "Orange"] * * * The Ra-Rex Company, Inc. Boston, Mass;" (case) "Pint Jugs."

It was alleged in the libel that the article was misbranded in that the statement, to wit, "Pint Jugs," borne on the cases, and the statement, to wit, "Contents One Pint," borne on the bottles, were false and misleading and deceived and misled the purchaser, since the said bottles contained less than 1 pint of the articles. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 23, 1931, the Zarex Co. (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that the bottles be refilled to the declared volume.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18711. Adulteration and misbranding of Za-Rex fruit sirups. U. S. v. 40 Cases of Za-Rex Cherry Fruit Juice Syrup, et al. Consent decree of condemnation and forfeiture. Product released under bond. F. & D. No. 26349. I. S. Nos. 16239 to 16243, incl. S. No. 4659.)

Examination of sample bottles of the variously flavored fruit sirups herein described showed that the bottles contained less than the volume declared on the label; that the cherry sirup contained an added artificial flavor, namely, benzaldehyde; and that the grape sirup was colored with a coal-tar dye and not a vegetable color, as labeled.

On or about May 13, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 259 cases, each containing six glass jugs of Za-Rex fruit juice sirups of assorted flavors, at Washington, D. C., alleging that the articles were being sold and offered for sale in the District of Columbia by the Cappel Co. (Inc.), Washington, D. C., and that they were misbranded in violation of the food and drugs act as amended, and that the cherry sirup was also adulterated. The articles were labeled in part: (Jug) "Za-Rex Raspberry ["Cherry," "Strawberry," "Punch," or "Grape"] * * * Manufactured and Guaranteed by The Za-Rex Company, Inc., Boston, Mass." With the exception of the punch the articles were further labeled: "A Pure Fruit Juice Flavored Syrup." The declaration "Certified Color" appeared on all labels with the exception of the label of the grape, on which the statement "Vegetable Color" appeared.

Adulteration was alleged in the libel with respect to the cherry sirup for the reason that artificial flavor had been substituted in part for a cherry fruit juice flavored sirup, which the article purported to be, and for the further reason that the article was mixed with artificial flavor in a manner whereby its inferiority was concealed.

Misbranding was alleged with respect to all products for the reason that the statement, "Contents 1 pint," on the jug label, was false and misleading and

deceived and misled the purchaser when applied to articles which were short of the declared volume; and for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct. Misbranding was alleged with respect to the cherry and grape sirups for the further reason that the statement, "Cherry A Pure Fruit Juice Flavored Syrup," was false and misleading and deceived and misled the purchaser when applied to an artificially flavored product; and in that the statement, "Vegetable Color," on the labeling of the grape sirup, was false and misleading, and deceived and misled the purchaser when applied to an article colored with a coal-tar dye.

On June 5, 1931, the Za-Rex Co. (Inc.), Boston, Mass., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a good and sufficient bond conditioned in part that they should not be disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18712. Adulteration and misbranding of canned shrimp. U. S. v. 250 Dozen Cans of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26465. I. S. No. 30701. S. No. 4761.)

Examination of samples of canned shrimp from the shipment herein described having shown that the article was decomposed and that the cans contained less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 250 dozen cans of shrimp, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Louisiana Oyster & Fish Co., Berwick, La., alleging that the article had been shipped from New Orleans, La., on or about October 9, 1930, and had been transported from the State of Louisiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Deep C Brand Shrimp Louisiana Oyster and Fish Co., Inc., Berwick, La. Wet Pack Contents 5¾ oz."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement on the label, "Wet Pack Contents 5¾ oz.," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, the statement made being incorrect.

On June 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18713. Adulteration of canned pumpkin. U. S. v. 30 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26413. I. S. No. 29790. S. No. 4741.)

Samples of canned pumpkin from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On May 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cases of canned pumpkin, remaining in the original unbroken packages at Chester, Pa., consigned by Wm. Laning & Son Co., Bridgeton, N. J., alleging that the article had been shipped from Bridgeton, N. J., in part on or about November 26, 1930, and in part on or about February 4, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, * * * N. J."